

## Admin Memo - Introduction to the Legal Method - Fall Term 2008-2009

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### A. OVERVIEW:

#### 1. The Course Overview

This course is designed to introduce the study of law. This course seeks to provide an understanding of the basic concepts of law and an overview of the mechanics of the study of law (i.e., oral and written communication). This course is divided into two major parts: (1) The Legal System and Methodology; and (2) Introduction to Basic Principals of Law.

In the first part (The Legal System and Methodology), there are two principal objectives. The first objective is to familiarize you with the general nature of law. *What is law? Why study law? How do the law and the courts function?* The second objective is to refine your analytical skills within the context of complex problems. You will hone your oral and written communication skills, as well as being introduced to legal research.

The second part of the course (Introduction to Basic Principals of Law) will introduce core areas of the law. Criminal Law, Torts, and Contracts will be emphasized. Civil Procedure, Property, Contracts, International Law, and Administrative Law will all be studied briefly.

Briefly outlined, the course looks like this:

#### I. The Legal System and Methodology

- A. Legal Systems
  - a. Background
  - b. Court Systems
  - c. Jurisdiction
  - d. Trial
- B. The Legal Profession
  - a. Participants
  - b. Ethics
- C. Methodology
  - a. Research
  - b. Reading
  - c. Writing
  - d. Oral Presentation

#### II. Introduction to Basic Principles of Law

- A. Civil Procedure
- B. Criminal Law
  - a. Procedure
  - b. Substantive
- C. Torts
  - a. Intentional
  - b. Negligent

- c. Damages
- D. Other Areas of Law
  - a. Contracts and Commercial Law
    - i. Common Law
    - ii. UCC
  - b. Property Law
  - c. Administrative Law
  - d. International Law

## 2. The Lessons

There are forty class sessions of fifty-five minutes each. Learning the law is a cumulative process with much interaction between topics. The lessons build on one another; therefore, there are no specific individual lesson objectives. On the other hand, the syllabus is a useful tool to organize your thoughts concerning individual lesson subjects and how they link to the course objective.

The assigned readings have been selected to ensure relevance and ease of study. The lesson readings average approximately 10-20 pages in length. Virtually all readings come from secondary sources (i.e. textbooks about the law, rather than reading the actual law itself). This is designed to facilitate learning. As the class progresses, anticipate readings for increasing complexity derived from primary sources (i.e. the law itself). Most readings are found in the text: William Burnham, *Introduction to the Law and Legal System of the United States*, 4th ed. These readings will be supplemented as necessary by handouts.

## 3. How to Succeed in the Course

This course is designed to provide an introduction to the study of the law. My objective is to make this course interesting and informative. To achieve this objective, I need you to help me by doing two things: *read for class and participate in class discussions!* Fulfilling these requirements will assist you greatly in your study of the law, and they will make the class more interesting and enjoyable for all of us.

You will be assigned written homework assignments and I expect you to produce high-quality work that is carefully written, proofread, and edited. If writing is not your forte, I encourage you to see me for Additional Instruction sooner rather than later.

## B. Administrative Matters

### 1. Course Materials

- a. William Burnham, *Introduction to the Law and Legal System of the United States*, 4<sup>th</sup> ed.
- b. Various handouts

### 2. Miscellaneous

a. LW310 is a three-credit course. You must attend class with your assigned section. If you have an authorized absence from class, or are excused from grading for a class, you are still responsible for assigned work.

b. Additional Instruction (AI). You are encouraged to seek AI as needed. My office location is listed in the header.

c. Trip Section: We will travel to New York City on to see a portion of a trial and appellate argument in Federal court. This trip will take place on a date to be determined.

d. Lexis-Nexis training: Representatives from the Lexis-Nexis company will conduct a two-day seminar to familiarize the class with the principals of legal research. This will be conducted on a date to be determined.

e. Outlines, Presentations, and Notes: Use of notes and outlines prepared by fellow cadets is discouraged. Such materials interfere with your ability to learn the concepts taught in this course. Further, these materials are often incorrect or out-of-date, and may result in incorrect answers. While this is not a prohibition against the use of these materials to prepare outside of class for WPRs, Homework, and the TEE, you are prohibited from bringing these materials into class, WPRs, or the TEE. Nor may you quote from these sources on any written product (i.e., homework, WPR, or TEE, etc.)

**3. Assessment (Grades)**

a. **Generally:** Assessment will reflect and support all course objectives. This will be evaluated through a number of different approaches:

Item	Points
Practical Exercise: Oral Argument Exercise	N/A ( <i>Counts towards class preparation</i> )
Practical Exercise: Tort Exam Question	N/A ( <i>Counts towards class preparation</i> )
WPR 1	150
Homework 1	100
Homework 2	150
WPR 2	150
TEE	250
Class Preparation	200
<b>Total</b>	<b>1000</b>

**c. Homework Assignments.**

1. There will be two homework assignments during the course. The format for each assignment is similar – differences between the two formats will be explained in detail. You will prepare a short legal paper or memorandum that responds to a set of questions and issues raised in a hypothetical fact situation. You are expected to use only your textbooks and your class notes. The documentation policy applies to these homework assignments. Administrative instructions will be included with the homework assignments.

2. Sufficient time is provided to complete the homework; therefore, extensions of the due dates are extremely rare. I expect you to budget your time in order to complete them on time. Requests for extensions due to unforeseen emergencies will be considered on a case-by-case basis.

d. **WPRs:** There will be two WPRs in this course. Both will be designed to be completed in the allotted class time of 55 minutes. The WPRs will be designed to test a broad body of knowledge. The format of the WPRs will vary, but will likely include: fill-in-the-blank, true-or-false, and short answer/essay questions.

e. **TEE:** The TEE will be cumulative and worth 250 points.

f. **Class Preparation:**

1. This grade will be based upon my evaluation of your effort and contribution to the class. It may be assessed by case recitation, written assignments, quizzes, and/or other methods. If quizzes are given, the scores will be part of the Class Preparation points.

2. You will not be eligible to receive any of the 200 points of the class preparation grade unless the overall average grade of your other work (WPRs, Homework, and TEE) at the end of the semester is a D or higher. If the overall average grade of your other work is an F, your grade for the course will be an F. Class participation grades cannot raise a failing grade for the course into a passing grade. If the average grade of your other work is a D or higher, the class preparation grade will then be added and an overall percentage calculated.

3. I reserve the right to give “pop” quizzes, which will count towards the class participation grade.

4. **Grading Scale**

a. The grading scale is:

<u>Letter Grade</u>	<u>Percentage of Marks Earned</u>
A+	97-100
A	93-96.99
A-	90-92.99
B+	87-89.99
B	83-86.99
B-	80-82.99
C+	77-79.99
C	73-76.99
C-	70-72.99
D	67-69.99
F	0-66.99

b. You must attain at least a “D” grade (67% average) to pass LW310.

5. **Documentation Policy.** As the Dean states in his letter introducing Documentation of Written Work, "the Honor Code and Honor System apply to all aspects of cadet life, to include activities as a student and a scholar." Integrity, one of the seven Army Values, is fundamental to the Profession of Arms. Integrity is therefore paramount in academics as it is in all aspects of life - cadet, soldier, or citizen. Academic integrity obliges cadets to be professional, conscientious, and truthful in differentiating their own work from that of others and in crediting others for their work or ideas. A cadet's submission must reflect clearly his or her own effort. It is therefore the policy of the Department of Law that all graded submissions (Homework, WPRs, TEE, etc.) clearly indicate any assistance received, the nature of the assistance, and all sources used in the preparation of the product.